IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 204 (M/S) of 2007

1. Smt. Sunita Rani W/o Sri Mukesh Kumar,
2. Mukesh Kumar S/o Sri Sitara Lal,
   Both R/o House No.651/12-B, Ganga
   Enclave Colony Roorkee,
   Tehsil Roorkee, District Haridawar. .....Petitioners

Vs

1. Kusum Lata W/o Late Sri Ram Kumar,
   R/o House No.273/1, Civil Lines Uttari Muzaffarnagar,
   District Muzaffarnagar (U.P)
2. Jameel Ahmad S/o Sri Rao Asgar R/o Village Paniyala
   Chandapur, Tehsil Roorkee, District Haridwar.
3. District Judge, District Haridwar. .....Respondents

Sri Sharad Sharma, learned counsel for the petitioners.
Sri Gopal Narain Srivastava, learned brief holder for the respondent No.3

Hon'ble B.S.Verma, J.

Heard Sri Sharad Sharma, learned counsel for the petitioner and Sri Gopal Narain Srivastava, learned brief holder for the respondent No.3. Admit.

The present writ petition has been filed by the petitioner to issue a writ order or direction in the nature of certiorari quashing the order impugned dated 15-3-2007 passed by respondent No.3 annexed as annexure No.8 to the writ petitioner. It was further prayed to issue a writ, order or direction in the nature of mandamus commanding the court of respondent No.3 to reject the Transfer application No.119 of 2007 filed by the respondent No.1.

Learned counsel for the petitioner made a statement at bar that the case was transferred from Roorkee to Haridwar when Sri Kanta

Prasad was the Presiding Officer of Additional District Judge Court at Roorkee. Now Sri R.C.Kulbey, learned Additional, District Judge, has been appointed Additional District Judge, Roorkee.

In view of the changed circumstances, the Miscellaneous Appeal No. 6 of 2006 Smt. Kusumlata Vs. Smt. Sunita Rani and others is hereby transferred again to the Court of Additional District Judge, Roorkee for hearing of the appeal filed by the respondent under Order 43 Rule 1 of CPC.

Accordingly, the order dated 15-3-2007 passed by the District Judge Haridwar whereby the said Miscellaneous appeal was recalled for hearing from the Court of Additional District Judge, Roorkee to the Court of District Judge, Haridwar is hereby set aside.

In view of the above facts, the writ petition is allowed.

All applications stands disposed of accordingly.

(B.S. Verma,J)

Dated: - 11-5-2007
M.K.